

SET JUNE 12, 2009

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF )  
SECURITIES, *ex rel.* IRVING L. FAUGHT, )  
Administrator, )  
)  
Plaintiff, )

vs. )

Case No. CJ-2009-2773

GLOBAL WEST FUNDING, LTD, CO., )  
an Oklahoma limited liability company; )  
GLOBAL WEST FINANCIAL LLC, )  
an Oklahoma limited liability company; )  
SURE LOCK FINANCIAL, LLC, )  
an Oklahoma limited liability company; )  
SURE LOCK LOANS, LLC, )  
an Oklahoma limited liability company; )  
THE WAIVE-GOLDMADE, LTD, )  
an unincorporated association; )  
BRIAN McKYE, an individual; )  
JOE DON JOHNSON, an individual; and )  
JAMES FARNHAM, an individual. )  
)  
Defendants. )

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

JUN - 1 2009

PATRICIA PRESLEY, COURT CLERK

~~DEPUTY~~

**MOTION FOR ORDER DIRECTING PAYMENT OF RENT  
TO MARSHALL C. McKYE OR, IN THE ALTERNATIVE,  
ORDER SURRENDERING PROPERTY TO MARSHALL C. McKYE**

Marshall C. McKye requests an order of this Court directing the Special Master, Stephen Moriarty, to pay the rent owed to Marshall C. McKye for the months of April and May, 2009 and to keep the payment of rent current thereafter or, in the alternative, to order the Special Master to surrender the property to Marshall C. McKye and grant judgment for the rent owed to Marshall C. McKye. In support of his motion, Marshall C. McKye states as follows:

1. On March 22, 2007, Marshall C. McKye entered into a Commercial Lease with Brian McKye in which Marshall C. McKye leased the property located at 1958 Northwest 10<sup>th</sup> Street,

Oklahoma City, Oklahoma to Brian McKye for a term of two years beginning on April 1, 2007 at the rate of \$1,000.00 per month. A copy of the Commercial Lease is attached hereto.

2. On March 24, 2009, the Oklahoma Department of Securities filed its Petition alleging violations of Oklahoma Uniform Securities Act of 2004 and seeking a permanent injunction and other equitable relief.

3. On April 1, 2009, the Court entered an Agreed Order Appointing Special Master in which Stephen Moriarty was appointed as Special Master pursuant to 71 O.S. § 1-603. The Agreed Order Appointing Special Master directed the Special Master, *inter alia*, “to conserve, hold, operate and manage all assets of the Relevant Defendants and their businesses ... and to make such payments and disbursements as may be necessary and advisable for the preservation of the Relevant Defendants’ Assets and as may be necessary and advisable in discharging his duties as Special Master.”

4. The Agreed Order Appointing Special Master further provided, *inter alia*, that, “except by leave of Court during the pendency of this Order, all creditors and other persons seeking money, damages or other relief from the Relevant Defendants, and all others acting on behalf of any such creditor or other persons, including sheriffs, marshals, and other officers and their deputies, and their respective attorneys, servants, agents, and employees, are hereby stayed and restrained from doing any act or thing whatsoever to interfere with the Special Master or to the possession of or management by the Special Master of the Relevant Defendants’ Assets or in any way to interfere with said Special Master, or to interfere in any manner during the pendency of this proceeding with the exclusive jurisdiction of this Court over the Relevant Defendants.”

5. On April 1, 2009, Stephen Moriarty, as Special Master, took possession of the premises located at 1958 Northwest 10<sup>th</sup> Street, Oklahoma City, Oklahoma and has continued to

operate this location to the date of the filing of this motion without the payment of rent to Marshall C. McKye who is the owner of the premises.

6. Marshall C. McKye has made several demands upon the Special Master for payment of the rent but the Special Master refuses to make such payments.

7. On May 18, 2009, without knowledge of the provisions contained in the Agreed Order Appointing Special Master, Marshall McKye filed a Petition for Forcible Entry and Detainer seeking to evict Stephen J. Moriarty from the premises located at 1958 Northwest 10<sup>th</sup> Street. On May 26, 2009, the matter was transferred to Judge Noma Gurich for determination.

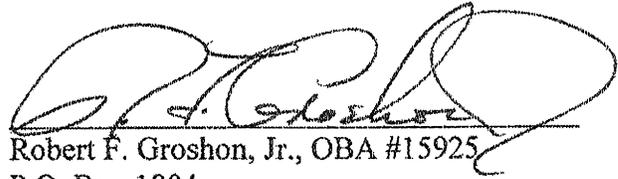
### ARGUMENT AND AUTHORITY

On March 22, 2007, Marshall C. McKye entered into a Commercial Lease with Brian McKye in which Marshall C. McKye leased the property located at 1958 Northwest 10<sup>th</sup> Street, Oklahoma City, Oklahoma to Brian McKye for a term of two years beginning on April 1, 2007 at the rate of \$1,000.00 per month. The Commercial Lease expired, by its terms, on March 31, 2009. However, before a new lease could be agreed upon, the Court entered an order allowing Stephen J. Moriarty to take possession of the premises and operate the business located there. The order of the court directed Stephen J. Moriarty to "to conserve, hold, operate and manage all assets of the Relevant Defendants and their businesses ... and to make such payments and disbursements as may be necessary and advisable for the preservation of the Relevant Defendants' Assets and as may be necessary and advisable in discharging his duties as Special Master."

The Special Master is charged with making payments necessary for the continued operation of the businesses. As landlord, Marshall C. McKye is entitled to evict a tenant for non-payment of the rent. Therefore, Marshall C. McKye requests an order from this court ordering the Special Master to pay Marshall C. McKye the rent due from April, May and June, 2009 in the amount of

\$3,000.00 or award judgment for the rent currently due and order the Special Master to immediately vacate the premises.

Respectfully submitted



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Oklahoma City, Oklahoma 73101-1804  
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Facsimile: (405) 290-7166  
Attorney for Marshall C. McKye

### CERTIFICATE OF MAILING

This is to certify that on the 1<sup>st</sup> day of June, 2009, a copy of the foregoing document was mailed, postage prepaid, to the following:

Stephen J. Moriarty  
Fellers, Snider, Blankenship, Bailey & Tippens  
100 North Broadway, Suite 1700  
Oklahoma City, Oklahoma 73102-8805

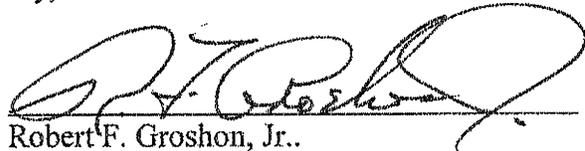
Patricia A. Labarthe  
Jennifer Shaw  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102-7472

R. Scott Adams  
Adams & Associates, P.C.  
204 North Robinson Avenue, 25<sup>th</sup> Floor  
Oklahoma City, Oklahoma 73102-6887

Robert G. McCampbell  
Kirstin L. Huffaker  
Crowe & Dunlevy  
20 North Broadway Avenue, Suite 1800  
Oklahoma City, Oklahoma 73102-8296

James Farnham  
6308 North Harvard Avenue  
Oklahoma City, Oklahoma 73122-7629

Brian McKye  
P.O. Box 957  
Jay, Oklahoma 74346-0957



Robert F. Groshon, Jr..